

Please type a plus sign (+) inside this

+

PTO/SB/05 (11-00)

Approved for filing through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

02581-P0438A

First Inventor

Jean Charles Le Huec, et al.

Title

Medical Instrument And Method For Creating A  
Cavity For Endoscopic Intervention

Express Mail Label No.

EL 889 836 332 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **11**]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claims(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 USC 113) [Total Sheets **2**]
5. ☐ Oath or Declaration [Total Pages **0**]
  - a. ☐ New executed (original or copy)
  - b. ☐ Copy from prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b.: Specification Sequence Listing on:

- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper

c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement [Power of Attorney]  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
of its equivalent.
17. ☒ Other PCT/EP00/07269 & DE19937043  
Cover Sheets

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part

of prior application No.: PCT/EP00/07269 July 28, 2000

Prior application information: Examiner Group/Art Unit:

Priority Claimed: DE 199 37 043 August 5, 1999

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number of Bar Code Label

24126

(Insert Customer No. or Attach bar code label here)

☒ Correspondence address below

|         |   |           |              |          |              |
|---------|---|-----------|--------------|----------|--------------|
| Name    | Wesley W. Whitmyer, Jr.                                     |           |              |          |              |
| Address | St. Onge Steward Johnston & Reens LLC<br>986 Bedford Street |           |              |          |              |
| City    | Stamford  | State     | CT           | Zip Code | 06905-5619   |
| Country | United States   | Telephone | 203 324-6155 | Fax      | 203 327-1096 |

|                   |                         |                                   |             |
|-------------------|-------------------------|-----------------------------------|-------------|
| Name (Print/Type) | Wesley W. Whitmyer, Jr. | Registration No. (Attorney/Agent) | 33,558      |
| Signature         |                         |                                   | Date 2/5/02 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Times will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

Complete if Known

|                        |                              |
|------------------------|------------------------------|
| Application No.        | - Pending                    |
| Filing Date            | February 5, 2002             |
| First Named Inventor   | Jean Charles Le Huec, et al. |
| Examiner Name          |                              |
| Group Art Unit         |                              |
| Attorney Docket Number | 02581-P0438A WWW             |

TOTAL AMOUNT OF PAYMENT

(\$) 740.00

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payment to:

Deposit  
Account  
Number

19-4516

Deposit  
Account  
Name

St.Onge Steward Johnston &amp; Reens LLC

- ☒
- Charge Any Additional Fee Required
- 
- Under CFR 1.16 and 1.17
- 
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check    ☐ Credit Card    ☐ Money    ☐ Other  
Order
**FEE CALCULATION****1. BASIC FILING FEE**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid           |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|--------------------|
| 101                  | 740                   | 201                  | 370                   | Utility filing fee     | 740.00             |
| 106                  | 330                   | 206                  | 165                   | Design filing fee      |                    |
| 107                  | 510                   | 207                  | 255                   | Plant filing fee       |                    |
| 108                  | 740                   | 208                  | 370                   | Reissue filing fee     |                    |
| 114                  | 160                   | 214                  | 80                    | Provisional filing fee |                    |
| <b>SUBTOTAL (1)</b>  |                       |                      |                       |                        | <b>(\$) 740.00</b> |

**2. EXTRA CLAIMS FEES**

| Total Claims       | Extra<br>Claims | Fee from<br>Below | Fee Paid |
|--------------------|-----------------|-------------------|----------|
| 11                 | -20** =         | 0                 | X        |
| 1                  | -3** =          | 0                 | X        |
| Multiple Dependent |                 | 0                 | X        |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20                                     |
| 102                  | 84                    | 202                  | 42                    | Independent claims in excess of 3                          |
| 104                  | 280                   | 204                  | 140                   | Multiple dependent claims, if not paid                     |
| 109                  | 80                    | 209                  | 40                    | ** Reissue independent claims over original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and over original patent |

\*\* or number previously paid, if greater; For Reissues, see above

**SUBTOTAL (2)** (\$) -0-**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing for or oath  |          |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing or cover sheet                         |          |
| 139                  | 130                   | 139                  | 130                   | Non-English specification  |          |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 112                  | 920*                  | 112                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                  | 1,840*                | 113                  | 1,840                 | Requesting publication of SIR after Examiner Action                        |          |
| 115                  | 110                   | 215                  | 55                    | Extension for reply within first month                                     |          |
| 116                  | 400                   | 216                  | 200                   | Extension for reply within second month                                    |          |
| 117                  | 920                   | 217                  | 460                   | Extension for reply within third month                                     |          |
| 118                  | 1,440                 | 218                  | 720                   | Extension for reply within fourth month                                    |          |
| 128                  | 1,960                 | 228                  | 980                   | Extension for reply within fifth month                                     |          |
| 119                  | 320                   | 219                  | 160                   | Notice of Appeal   |          |
| 120                  | 320                   | 220                  | 160                   | Filing a brief in support of an appeal                                     |          |
| 121                  | 280                   | 221                  | 140                   | Request for oral hearing   |          |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                  | 110                   | 240                  | 55                    | Petition to revive - unavoidable   |          |
| 141                  | 1,280                 | 241                  | 640                   | Petition to revive - unintentional   |          |
| 142                  | 1,280                 | 242                  | 640                   | Utility issue fee (or reissue)   |          |
| 143                  | 460                   | 243                  | 230                   | Design issue fee   |          |
| 144                  | 620                   | 244                  | 310                   | Plant issue fee  |          |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner  |          |
| 123                  | 50                    | 123                  | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 126                  | 240                   | 126                  | 240                   | Submission of Informational Disclosure Stmt                                |          |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment per Property (times number of properties) |          |
| 146                  | 740                   | 246                  | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                  | 740                   | 249                  | 370                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 179                  | 740                   | 279                  | 370                   | Request for Continued Examination (RCE)                                    |          |
| 169                  | 900                   | 169                  | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee paid

**SUBTOTAL (3)** (\$) -0-

SUBMITTED BY St.Onge Steward Johnston &amp; Reens LLC

Complete (if applicable)

Name (Print Type)

Wesley W. Whitmyer, Jr.

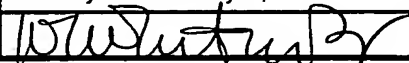
Registration No.  
(Attorney/Agent)

33,558

Telephone

203 324-6155

Signature



Date

2/5/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.